



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 775-02
11 July 2002

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 July 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 15 January 1975 at the age of 18. Approximately nine months later, on 11 September 1975, you received nonjudicial punishment (NJP) for possession of marijuana and were awarded a \$200 forfeiture of pay and correctional custody for 30 days. On 4 March 1976 you received NJP for assault and disobedience. The punishment imposed was extra duty for 45 days, reduction to paygrade E-1, and a \$300 forfeiture of pay.

On 30 March 1976 you were notified that administrative separation had been initiated and that you were recommended for a general discharge. After consulting with legal counsel, you did not object to the separation and waived your right to submit a statement in rebuttal to the discharge. Subsequently, your commanding officer recommended you for an expeditious discharge and stated that you lacked promotion potential and your behavior pattern would likely lead to an undesirable discharge. On 2 April 1976 the discharge authority approved this recommendation and directed a general discharge, and on 14 April 1976, you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.6. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and your contention that you unjustly received a general discharge. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your service because of your repetitive misconduct, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director